

Marquis Aurbach

Craig R. Anderson, Esq.

Nevada Bar No. 6882

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

canderson@maclaw.com

Attorneys for Defendants LVMPD, Ofc. Torres, Ofc. Shoemaker and Ofc. McCormick

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FLOYD WALLACE,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; STATE OF NEVADA;
CHRISTIAN TORRES; JASON SHOEMAKER;
CORY MCCORMICK and DOES 1 to 50,
inclusive,

Defendants.

Case Number:

2:23-cv-00809-APG-NJK

**DEFENDANTS' LIMITED OPPOSITION
TO PLAINTIFF'S MOTION TO EXTEND
TIME TO RESPOND (ECF NO. 37)**

Defendants Las Vegas Metropolitan Police Department ("LVMPD"), Ofc. Christopher Torres, Ofc. Jason Shoemaker, and Ofc. Cory McCormick (collectively "Defendant Officers", and with LVMPD, "Defendants"), by and through their attorney of record, Craig R. Anderson, Esq. of Marquis Aurbach, hereby file their Limited Opposition to Plaintiff's Motion to Extend Time to Respond (ECF No. 37).

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Floyd Wallace ("Wallace") is seeking an extension to respond to the Defendant Officers' Motion to Dismiss (ECF No. 33). The Defendant Officers' motion was filed on September 1, 2023. Wallace is requesting "until December 5, 2023, or longer if the court grants it." (ECF No. 37 at 1:21-22). The Defendants do not oppose a reasonable extension of time for Wallace to respond to the Defendant Officers' motion to dismiss, but do object to the December 5, 2023 request.

MARQUIS AURBACH

10001 Park Run Drive

Las Vegas, Nevada 89145

(702) 382-0711 FAX: (702) 382-5816

Wallace is also requesting a second extension to file a reply to Defendants' Opposition to Plaintiffs' Motion for Sanctions. (ECF No. 28). He is requesting an extension until December 5, 2023. Defendant LVMPD has already granted Wallace an extension until September 25, 2023. Wallace has had ample time to respond to this opposition, and LVMPD opposes any additional requests.

II. LEGAL STANDARD

The Federal Rules of Civil Procedure 6(b) states, in pertinent part:

(b) Extending Time.

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

III. LEGAL ARGUMENT

A. **DEFENDANTS DO NOT AGREE TO A LENGTHY EXTENSION FOR WALLACE TO OPPOSE THE DEFENDANT OFFICERS' MOTION TO DISMISS.**

On September 1, 2023, the Defendant Officers filed a motion to dismiss. (ECF No. 33.) Wallace has never requested an extension from the Defendant Officers. The Defendant Officers do not oppose a reasonable extension of time for Wallace to respond. However, they do oppose a three-month extension. The Defendants are agreeable to extending Wallace's deadline until October 15, 2023. It should not be difficult for Wallace to oppose the Defendant Officers' motion. On July 17, 2023, Defendant LVMPD filed its motion to dismiss. (ECF No. 8.) The Defendant Officers' motion's arguments closely mirror the arguments in LVMPD's motion. On July 26, 2023, Wallace opposed Defendant LVMPD's motion. (ECF No. 15.) Thus, Wallace has shown this Court that he is able to draft and file an opposition. Therefore, Wallace's current request to extend the deadline until December 5, 2023 is unreasonable. More importantly, Wallace has failed to articulate any good cause for such a lengthy delay.

B. DEFENDANTS OPPOSE WALLACE’S REQUEST FOR AN EXTENSION TO FILE HIS REPLY TO THEIR OPPOSITION TO HIS MOTION FOR SANCTIONS.

On August 10, 2023, Wallace filed his Amended Motion for Rule 11 Sanctions on Defendant LVMPD and Their Counsel; Declaration of Floyd Wallace in Support. (ECF No. 22.) LVMPD opposed the motion on August 22, 2023. (ECF No. 28.) Wallace immediately filed an Unopposed Motion to Extend Time to Respond to Motion or in the Alternative for Leave to File Late Reply; Motion to Extend Page Limit for Reply. (ECF No. 30) Wallace requested an extension “until September 25, 2023 or longer.” (*Id.*) Defendant LVMPD did not oppose this request. Plaintiff’s current request makes no attempt to establish “good cause” for an additional extension beyond the requested September 25, 2023 date. The Defendants object to any extensions past the September 25, 2023 date.

IV. CONCLUSION

Defendants object to any further extensions for Wallace to file his reply to Defendant LVMPD’s opposition to his motion for sanctions as he cannot establish good cause. Defendants do not oppose a reasonable one-month extension of time for Wallace to respond to the Defendant Officers’ motion to dismiss, but do oppose an extension until December 5, 2023.

Dated this 7th day of September, 2023.

MARQUIS AURBACH

By s/Craig R. Anderson
 Craig R. Anderson, Esq.
 Nevada Bar No. 6882
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Attorneys for Defendants LVMPD, Ofc. Torres,
 Ofc. Shoemaker and Ofc. McCormick

MARQUIS AURBACH

10001 Park Run Drive
 Las Vegas, Nevada 89145
 (702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANTS LVMPD, OFC. TORRES, OFC. SHOEMAKER AND OFC. MCCORMICK'S LIMITED OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND (ECF NO. 37)** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 7th day of September, 2023.

☐ I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

☒ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Floyd Wallace
1613 Leopard Lane
College Station, TX 77840
Pro Per

s/Sherri Mong
an employee of Marquis Aurbach

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816